

## REMARKS

Claims 1, 3-6, and 9-22 are presently pending in the application. Claims 1, 3, 6, 9, 12, and 14-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5,864,672 (Bodeep) in view of Admitted Prior Art FIG. 3, and further in view of U. S. Patent No. 4,920,533 (Dufresne) and U. S. Patent No. 3,886,454 (Oakley). Claims 4, 5, 10-11, and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bodeep, Admitted Prior Art FIG. 3, Dufresne, and Oakley in view of U. S. Patent No. 5,850,218 (LaJoie). Claims 16, 18-19, and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bodeep and Dufresne. Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bodeep in view of Dufresne in further view of Admitted Prior Art FIG. 3. Claims 20-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bodeep and Dufresne, further in view of LaJoie.

Applicants believe that claims 1, 3-6, and 9-22, as amended, are patentable over the cited art for at least the following reasons.

Bodeep is directed towards providing for an increased upstream bandwidth for upstream switched signals (such as telephone, fax, data, etc.) (col. 3, lines 38-39) in a conventional cable television system (i.e., utilizing HFC). In order to solve this problem, a converter apparatus 260 (MFN) receives and transmits upstream frequency-division multiplexed switched signals as shown in FIG. 2 to a CO over optical fiber. As shown in FIG. 2, the MFN includes a frequency conversion module (local oscillator 263 and mixer 262) for frequency conversion. As Examiner mentions in the Office Action, a passive combiner 544 can be used when communicating to different sets of end units, which have their own MFN. The passive optical combiner may be used to combine the return optical signals. However, continuing in col. 10, lines 10-13, each MFN could also translate the frequency of its selected upstream channel to the frequency needed for subcarrier multiplexed transmitted over its respective optical fiber.

In this light, Applicants have amended independent claims 1, 6, and 16 to more distinctly claim the present invention. More specifically, the independent claim amendments distinguish that the transmitted upstream signals of the present invention are cable television signals not switched signals. Also, that there is no multiplexing of any kind (e.g., frequency division multiplexing, wave division multiplexing, or any other medium access protocol, such as mentioned in Bodeep at col. 6, lines 58 – 66) performed on the upstream cable television signals.

It is submitted that telephony switched signals are drastically different than cable television signals and cannot be compared equally when referencing their modes of transmission. For example, as mentioned in Bodeep, the switched signals are initially frequency division multiplexed and then

transmitted to a switch located in a CO. Only after this multiplexing can the telephony optical signals be "passively" combined.

As previously mentioned in responses, the present invention is directed towards a system including a plurality of burst-mode digital transmitters coupled to a single digital optical receiver via a digital network. The system allows reverse optical signals to be transmitted to the headend, where the reverse optical signals have been passively combined at the digital network using switches, routers, and other passive techniques. Notably, multiple optical transmitters transmit reverse optical signals at a common wavelength and they are combined at a common wavelength and transmitted via a common fiber *without wave division multiplexing or any other frequency-shifting of the signals at any point within the communication system.*

The admitted Prior Art shown in FIG. 3 of the present invention, Dufresne, and Oakley further do not fix the failings of Bodeep in order to transmit reverse cable television signals over a common optical fiber without any of form of multiplexing. It is therefore believed that independent claims 1, 6, and 16 are patentable over the cited art. Additionally, dependent claims 3-5, 9-15, and 17-22 further limit the independent claims and, therefore, are also believed to be patentable over the cited art.

Reconsideration and reexamination of the present application is requested in view of the foregoing amendment and remarks.

### CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action dated November 26, 2007. Claims 1, 3-6, and 9-22 will be pending in the present application upon entry of the present amendment, with claims 1, 6, and 16 being independent. Based on the amendments and remarks set forth herein, Applicants respectfully submit that the subject patent application is in condition for allowance. Because the claims may include additional elements that are not taught or suggested by the cited art, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Upon entry of the foregoing Response, the above-identified patent application includes 3 independent claims. Because Applicant has previously paid for 20 total claims and 3 independent claims, Applicant submits that no additional fee is due. Should it be determined that any additional fee is due or any excess fee has been received, the Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to deposit account #19-0761.


Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned agent at the below-listed number.

Respectfully submitted:

**SEND CORRESPONDENCE TO:**

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